

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TRAY COLE and
TALEAVIA COLE,

Plaintiffs,

v.

CASE NO.: 23cv01321

CITY OF WAUWATOSA,
FORMER CHIEF BARRY WEBER,
DANIEL MITCHELL,
ROBERT PIEHL,
ESTATE OF RUSSELL RICHARDSON, and
JOHN DOES POLICE OFFICERS 1– 100,

Defendants.

**DECLARATION OF JASMYNE M. BAYNARD
IN SUPPORT OF MOTION FOR SANCTIONS**

Pursuant to 28 U.S.C. § 1746, the undersigned, Jasmyne M. Baynard, makes the following statements under penalty of perjury under the laws of the United States.

1. I am an attorney, licensed to practice in the State of Wisconsin and before the United States District Court Federal Eastern District, and I am one of the attorneys representing the defendants in this action. This Declaration is made in support of the defendants' motion for sanctions against the plaintiffs and their counsel. (Dkt. 21).

2. On January 10, 2024, I prepared and served a "Safe Harbor" letter upon plaintiffs' counsel advising that unless the lawsuit was dismissed, and for the reasons listed therein, the defendants would pursue sanctions against the plaintiffs, pursuant to Rule 11 of the Federal Rules of Civil Procedure, and delivered the letter and a draft of the motion for sanctions to plaintiffs' counsel via email.

3. On February 23, 2024, during a court conference, counsel for the plaintiffs advised that plaintiffs objected to receipt of the Safe Harbor letter and draft motion for sanctions via email instead of by U.S. Mail; and I thereafter directed my office to serve a second copy of both the Safe Harbor letter and motion for sanctions by placing it, postage paid, in the U.S. Mail addressed to plaintiffs' counsel, Kimberley Cy. Motley.

Dated at Wauwatosa, Wisconsin this 22nd day of May 2024.

BY: /s/ Jasmyne M. Baynard
Jasmyne M. Baynard (SBN: 1099898)